

**TOWN OF ELSMERE
BOARD OF ADJUSTMENTS
MEETING MINUTES
November 22, 2011
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Board Member Patricia Boyd – Present
Board Member James Personti – Present
Board Member John Smith – Present
Board Member John Acton – Present
Chairman Paul Chalfant – Absent

APPROVAL OF MINUTES:

Minutes from the August 23, 2011 Board of Adjustment Meeting

ACTION: A motion was made by Board Member Boyd to approve the Minutes as transcribed. The motion was seconded by Board Member Smith.

VOTE: All in favor Vote: 4-0 with 1 Absent Motion Carried

Minutes from the October 25, 2011 Board of Adjustment Meeting

ACTION: A motion was made by Board Member Smith to approve the Minutes as transcribed. The motion was seconded by Board Member Acton.

VOTE: All in favor Vote: 4-0 with 1 Absent Motion Carried

OLD BUSINESS:

None

NEW BUSINESS:

Review Petition 11-14 Tax Parcel # 1900-800-365 also known as 2 N. Park Dr.

John Conly introduced himself as a representative of the applicants, Mr. Frank & John Rossi. Mr. Conly stated FEMA and the Town have no objections to LOMA that is currently pending for the property. He went on to say they are asking for a variance for area and lot coverage.

Town Manager Giles stated they are not there to approve any lot coverage variance, but to make a decision on the request to build in an undersized lot. He went on to say that the lot coverage issue would come later.

ACTION: A motion was made by Board Member Personti to approve Petition 11-14. The motion was seconded by Board Member Boyd.

VOTE: All in favor Vote: 4-0 with 1 Absent Motion Carried

Review Petition 11-15 Tax Parcel # 1900-500-021 also known as 401 New Rd.

Mr. Hawkins introduced himself as the owner of the property at 401 New Rd. He stated they dug the lot out and put some stones there and made the lot a little bigger than what's allowed. He referred to Exhibit 1-A, stating there was a mud spot, and he had someone come in, they picked four corners, and they just cleaned it up by putting stone there. He went on to say that they had planted some trees along the side that aren't visible in the picture. He stated, at this point, he's asking for a variance to just leave it the way it is. He said one of the good things about the area is that someone could turn around and drive out onto the road, instead of having to back out. He stated the only hardship he can think of is that it's going to be expensive to dig the stone back out.

Board Member Boyd asked if this area was just going to be the parking lot for his rental unit.

Mr. Hawkins stated it is.

Board Member Boyd then asked if it was going to be used for overflow parking from his business or if he was going to have his employees park there.

Mr. Hawkins said no. He went on to say that, at first, he intended on parking his own personal truck there, but if it was a problem, he would not do so.

Board Member Personti asked how many parking spaces are there now.

Mr. Hawkins said they just laid down stone, and he's not sure how many spaces, but it's a pretty good size. He went on to say that 4 adults would be living there and they would each have their own vehicle.

Board Member Personti then asked if Mr. Hawkins intended to pave the area.

Mr. Hawkins stated he did not.

Board Member Boyd stated the property now looks like a parking lot with a house in the back.

Mr. Hawkins said the house does, in fact, sit back far from the road and agrees.

Board Member Smith asked if Mr. Hawkins looked into the possibility of having the driveway go straight back and putting the parking spaces next to the house.

Mr. Hawkins said he did, and that he just needs to figure out how and when to move the stones around.

Board Member Smith asked if they could table the petition and Mr. Hawkins come back with a more suitable plan for the parking area.

Code Officer Swift said yes, they could, but they wouldn't meet again until January.

Board Member Boyd asked if he reduced the amount of coverage the lot is taking up presently, would he be okay.

Officer Swift stated if he complied with the lot coverage and 225-10(b) then it would be fine.

Town Manager Giles stated that the applicant certainly has the option to comply and to not have to come back for another hearing.

Patrick Debel introduced himself as a resident at 402 Junction St. which is located behind 401 New Rd. He stated by cutting down the trees he did, Mr. Hawkins eliminated a natural noise barrier between his house and the road. He went on to say that he understands it would be a pain to dig up and move around the stone, but if Mr. Hawkins had come in to get permission to start the project, he wouldn't be in this situation. He asked how it would come to be enforced that only the tenants' vehicles, and not overflow from the business, would be parked there. He stated he's spoken with residents from that area, and they, nor himself, have ever seen 4 vehicles there from the tenants.

John DiFrancesco introduced himself as the owner of 409 New Rd. He stated he feels that the parking lot may've gotten a little out of hand and that it's not appropriate for a residence. He went on to say that Mr. Hawkins could comply with Code, as well as, get what he wants. He also stated that it may open the door for someone to zone the property as Commercial, seeing as it would have sufficient parking, and that may cause a domino effect.

Mr. Giles said there was already an attempt to rezone the property as Commercial. He went on to say that the request is for lot coverage, stating that, if the petition were to be approved, Mr. Hawkins could pave the entire lot with asphalt if he wanted.

Mr. Hawkins stated that, as long as he's clear on what he can do and still comply, he will, he just doesn't want to move the stone and dirt around too many times.

Mr. Giles said, if the Board decided to deny his request, he would have to pick all the stone up, put dirt back to fill it in, and then come up with his plan.

ACTION: A motion was made by Board Member Smith to deny Petition 11-15. The motion was seconded by Board Member Boyd.

VOTE: All in favor Vote: 4-0 with 1 Absent Motion Carried

Town Manager Giles stated he received a letter from Board Member Personti at the previous Council Meeting concerning the make-up of the Board of Adjustment due to Chairman Chalfant's inability to attend meetings as of late. Mr. Giles said that Chairman Chalfant assured him that the circumstances leading to his in-attendance would end in January, and that this would be the last meeting he misses due to those circumstances.

Board Member Personti suggested the Board see if Mr. Chalfant attends the January meeting, and if he does not, possibly move forward and look to replace him as Chairman.

Board Member Boyd agreed.

ACTION: A motion was made by Board Member Personti to recommend to Council, to wait to see if Chairman Chalfant attends the January Board of Adjustment meeting, before moving forward with a decision regarding his position. The motion was seconded by Board Member Boyd.

VOTE: All in favor Vote: 4-0 with 1 Absent Motion Carried

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS: None

PUBLIC COMMENT: None

ADJOURNMENT:

ACTION: A motion was made by Board Member Smith to adjourn. The motion was seconded by Board Member Personti.

VOTE: All in favor Vote: 4-0 with 1 Absent Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the November 22, 2011 Board of Adjustment Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

PAUL CHALFANT, CHAIRMAN

JAMES PERSONTI, SECRETARY